

REMARKS/ARGUMENTS

Claims 1-19 are presently active in this case. Claims 1-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,799,176 to Cacciatore. Applicant respectfully traverses the 35 U.S.C. § 102(b) rejection.

The Office Action asserts that Cacciatore is a programmable electronic digital thermostat with a fail safe sensor and halt logic to halt operation of the integrated circuit (IC) in response to the fail safe sensor indicating that a threshold temperature has been exceeded. Applicants respectfully disagree with this characterization of Cacciatore in part. Applicants agree that Cacciatore discloses a programmable electronic digital thermostat. However, Cacciatore does not disclose or suggest a fail safe sensor or halt logic configured to halt operation of an IC.

Rather, Cacciatore discloses a thermostat including a user key pad 26, a microprocessor 22 and an LCD display 24. The purpose of the thermostat is to control the temperature of a room/area by heating and/or cooling based on a measured temperature. Nowhere does Cacciatore disclose or suggest a fail safe sensor or halt logic as defined by claim 1. Column 10, lines 11-15 of Cacciatore provide that a thermostat 20 “is enabled to continue controlling ambient temperature for providing fail safe operation when a user stops without completing a program control schedule.” However, the mere use of the term fail safe in this context does not constitute a disclosure or suggestion of a fail safe sensor as defined by Claim 1. That is, Cacciatore does not disclose or suggest a fail safe sensor which indicates that a threshold temperature has been exceeded. Similarly, Cacciatore does not disclose or suggest the steps of sensing a temperature of an IC or halting operation of the IC in response to a threshold temperature being exceeded. Cacciatore is simply not directed to subject matter of this nature.

For the foregoing reasons, Cacciatore is not believed to anticipate or render obvious the subject matter defined by either Claim 1 or Claim 12. Dependent Claims 2-11 and 13-19 are believed to be allowable for at least the same reasons as Claims 1 and 12, respectively.

Consequently, the present application is believed to be in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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